THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.2028 of 2007

Date: 20.02.2007

Between:

N.Ramchandar Rao.

....Petitioner

And

The Commissioner of Fisheries Andhra Pradesh, Hyderabad and others.

....Respondents

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WRIT PETITION No.2028 of 2007

O R D E R:

Petitioner states that he owns an extent of Ac.77.22 guntas of land in Tutakalingannapet Village, Enkur Mandal, Khammam District. The land is said to be part of submergence area of the village tank. The third respondent, a Fishermen Cooperative Society of the concerned Village, is granted lease as regards fishing rights in that tank. The petitioner states that the Village is in a scheduled area and the very registration of the Society through proceedings, dated 20.09.2000, issued by the second respondent is contrary to law. He contends that all the activities in the scheduled areas are restricted and it is only such of the societies, comprising exclusively of Tribals, that can be registered.

Heard the learned counsel for the petitioner and the learned counsel for the respondents.

It is true that several activities to be undertaken in

scheduled areas are regulated by the provisions, such as A.P.Scheduled Areas Land Transfer Regulation, 1959 (for short 'the Regulation'). The effort is to protect the rights of Tribals in the scheduled areas. The fishing activity in the tanks located in the scheduled areas is not governed by any special legislation or for that matter, orders issued by the Government. When the petitioner contends that a Fishermen Cooperative Society operating in tribal area must comprise the members belonging to scheduled tribe alone, he must be supported by any provision of legislation or an order of Government. Learned counsel for the petitioner is not able to place any such orders before this Court. Reliance placed by him on the provisions of the Regulation is hardly of any help. The restriction placed on the transfer of lands in favour of non-tribals cannot be extended to the registration of the Society. This Court does not find any basis to interfere with the proceedings of the second respondent registering the third respondent- Society.

The Writ Petition is, accordingly, dismissed. There shall be no order as to costs.

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20.02.2007

JSU